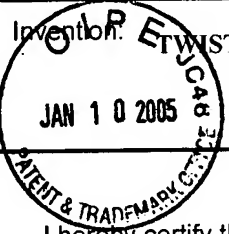
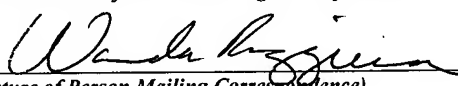
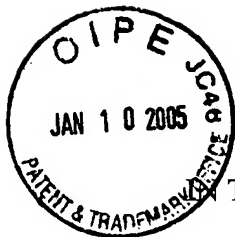


CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)			Docket No. 1663.009	
Applicant(s): Valentini				
Application No. 10/823,106	Filing Date 4/12/04	Examiner Unknown	Customer No. 04617	Group Art Unit 3600
Invention: ETWISTED CLOSED LOOP JEWELRY ARTICLE				
				
I hereby certify that the following correspondence:				
Perfected petition to Make Special Under MEPE 708.02 and/or Request for Reconsideration of Decision (9 pages in dup w/authorization to charge deposit account) and return postcard				
(Identify type of correspondence)				
is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on				
<u>Jan. 10, 2005</u> (Date)				
<u>Wanda Ruggiera</u> (Typed or Printed Name of Person Mailing Correspondence)				
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<u>EV 539193773 US</u> ("Express Mail" Mailing Label Number)				
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01-11-05

JFW

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	Valentini, Paola
Serial No.:	10/823,106
Title:	Twisted Closed Loop Jewelry Article
Filing Date:	April 12, 2004
Examiner:	unknown
Group:	3600
Atty Docket No.:	1663.009

PATENT
APPLICATIONRECEIVED
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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PERFECTED PETITION TO MAKE SPECIAL UNDER MPEP § 708.02
AND/OR REQUEST FOR RECONSIDERATION OF DECISION

Sir:

When the above-captioned application was filed on April 12, 2004, Applicant petitioned to make the application special pursuant to MPEP § 708.02 for the purposes of accelerating examination and ultimate issuance of the patent, on the grounds of a pre-examination search. Nine patent references and a PTO-1449 form were enclosed.

On December 3, 2004, the Office issued a Decision denying the petition, citing lack of inclusion of an election and insufficient discussion of the nine references. The instant submission is submitted for the purposes of correcting those two deficiencies. The undersigned had several telephone calls with Examiner Bob Gibson concerning how to correct these deficiencies. Concerning the former, Examiner Gibson suggested the precise language included below in the Statement of Single Invention section in bold. Regarding the latter deficiency, Examiner Gibson indicated that all nine references should be discussed. Applicant does so hereinbelow.

It is not believed that any fee is due in connection with this submission since it is being filed within the two month period set by the December 3 Decision. However, should any fee be due, either for extension of time or filing fee, please charge same to the undersigned's Deposit Account, No. 02-2105.

STATEMENT OF SINGLE INVENTION

The application presents claims directed to a single invention, a closed loop jewelry article having a longitudinal twist. No election is believed necessary. **However, if the Office determines that all the claims presented are not obviously directed to a single invention, then Applicant will make an election without traverse as a prerequisite to the grant of special status.**

SCOPE OF PRE-EXAMINATION SEARCH

A pre-examination search was in the USPTO by Donald E. Bullock (Reg. No. 30,734), the search agent for Applicant's undersigned patent attorney. The field of search included the following classes and sub-classes:

Class 63, subclasses: 3, 4, 21, 26, 28, 29.1, 38, and 39;

Design Class 11, subclasses: 3, 12, and 16.

The search was conducted through the EAST search system including the databases containing U.S. patents and published U.S. applications, and available foreign patents.

INVENTION SEARCHED

The invention for which the search was performed is a jewelry bracelet or necklace having a loop, the loop being twisted longitudinally to provide a spiral appearance, the loop having a nominal top, bottom and outer sides. Jewelry stones are mounted at the outer sides of the loop, wherein the jewelry stones twist around the loop along the longitudinal length of the jewelry bracelet or necklace. The inventive closed loop jewelry article includes repetitive elements that are coupled together to provide a train of elements with each element being slightly

rotationally displaced from adjacent elements so that the elements twist longitudinally along the length of the article. More specifically, the invention searched is a twisted jewelry article, having a plurality of modules. Each module includes a main body having a longitudinal axis, a female receptacle disposed inside the main body and accessible via a rear portion of the main body, and a male tab projecting from a front portion of the main body. The male tab of one module is fittable within an adjacent of the female receptacle of an adjacent of the modules with an outer surface of the male tab being substantially contactable with an inner surface of the adjacent female receptacle. In at least a certain sub-plurality of the modules, the male tab outer surface is angularly offset to the female receptacle inner surface about the longitudinal axis to thereby angularly offset adjacent modules to thereby impart a longitudinal twist to the jewelry article.

PATENTS UNCOVERED FROM SEARCH

The following **nine** U.S. references were uncovered as a result of the aforementioned search:

<u>Patent/Pub. No.</u>	<u>Inventor</u>	<u>Issue/Pub. Date</u>
D481,968	Cerato	Nov. 11, 2003
2003/0106337	Rosenwasser et al.	June 12, 2003
6,629,434	Chia et al.	Oct. 7, 2003
5,592,835	Herr	Jan. 14, 1997
5,343,718	Pöll	Sep. 6, 1994
4,014,079	Camarda	Mar. 29, 1977
3,323,325	Meyer	June 6, 1967
3,192,738	Charles et al.	July 6, 1965
1,894,195	Pulver	Jan. 10, 1933

Copies of all of the cited references were already provided with the April 12, 2004 original Petition to Make Special. Since these references are already of record, pursuant to MPEP § 708.02(VIII)(D), another copy of same need not be provided.

DISCUSSION OF UNCOVERED PATENTS

U.S. Design Patent No. D481,968 to Cerato discloses the design for a jewelry chain having standard links, not a bracelet or necklace. This chain does not have a top, bottom, or sides; rather it consists of interlocking links that are identical and disposed either at substantially 90° (Figs. 1-3) or an acute angle (Figs. 4-6) from each other. There are no jewels mounted anywhere on this chain, nor is there the suggestion of same. This prior art patent does not disclose the structure and configuration of the present invention as claimed herein.

U.S. Patent Appl'n Pub. No. 2003/0106337 (Appl'n. No. 10/314,541) to Rosenwasser et al. discloses another jewelry chain made from a series of links made from spiral-shaped coils (page 1, ¶ 0004, lines 1-2). After a standard coil is formed on a mandrel, each individual spiral in the coil is rotated or twisted relative to its neighbor (page 1, ¶ 0005, lines 4-6). Specifically, as each spiral portion 21-29 (see Fig. 2) is removed from mandrel 18, each is rotated or twisted a certain angle with respect to the immediately preceding spiral portion still on mandrel 18 (page 2, ¶ 0022, lines 5-11). Such rotation is made permanent. (¶ 0022, line 16). If the spirals have been provided with facets initially, then the facets no longer line up but are instead offset as shown in Fig. 5. (page 2, ¶ 0023, lines 3-7). There are no jewelry stones mounted anywhere on this structure, nor can there realistically be deemed to be top, bottom, and sides of the radially symmetrical spirals. This prior art patent does not disclose the structure and configuration of the present invention as previously amended.

The remaining seven patents disclose jewelry articles having repeating elements that are identically configured and do not twist, and therefore appear to be less relevant than those mentioned above. However, in light of the Office's requirement, each will be discussed hereinbelow.

U.S. Patent No. 6,629,434 to Chia et al. teaches a decorative jewelry module having a hollow interior, a decorative insert, and a fastener. (Abstract, Figs. 5-13). As best shown in Figs.

9-12, module 3 includes a hollow base member 13 into which decorative insert 17 is housable (col. 5, lines 54-57). Top surface 15 has an opening 16 through which decorative insert 17 may be viewed (col. 5, lines 59-61). Base member 13 is thickened at its upper portion and defines an integral interior annular band 27 (see Fig. 12; col. 6, lines 42-44). As is evident from the figures, especially Figs. 2-4, 15, 16, 26, and 29, the Chia et al. reference teaches jewelry articles having repeating elements that are identically configured and do not twist; there is no angular differentiation between or among the various elements, and the reference fails to suggest the more specific instantly claimed structure of each module having a male tab and a female receptacle angularly offset from each other to cause a twisting effect. This prior art patent does not disclose the structure and configuration of the present invention as claimed.

U.S. Patent No. 5,592,835 to Herr teaches a necklace formed of a number of globular beads in which certain of the beads are adapted to permit installation of gemstones and the like. (Abstract). Necklace 10 has a pendant element 12 consisting of a central bead 12A and two smaller lateral side beads 12B rigidly connected to central bead 12A by connectors 13 (col. 2, lines 26-33). The Herr patent states that the side beads 12B and 12C are disposed at an angle of about 45 degrees with respect to a vertical center line of central bead 12A (col. 2, lines 34-37). It is important to note that all of the elements of Herr are oriented in the same horizontal plane and do not twist about a longitudinal axis of the jewelry article. As is evident from the figures, especially Figs. 1 and 2, Herr teaches jewelry articles having repeating elements that are identically configured and do not twist; there is no angular differentiation between or among the various elements, and the reference fails to suggest the more specific instantly claimed structure of each module having a male tab and a female receptacle angularly offset from each other to cause a twisting effect. This prior art patent does not disclose the structure and configuration of the present invention as claimed.

U.S. Patent No. 5,343,718 to Pöll teaches a chain link element for gems. All of the gems in every link face outward in the same direction. As best shown in Figs. 1 and 2, each chain link 1 has a linking element 5 and a receiving means 6 for connecting with an adjacent chain link 1 (col. 2, lines 38-41). Linking element 5 is a stem having a through bore 7. Pins 8 of an adjacent link 1 are pressed into bore 7 but not firmly; it is critical that there be play between adjacent links

and that they swivel loosely (col. 2, lines 49-62). Each link 1 is identical. As is evident from the figures, especially Figs. 1 and 2, Pöll teaches jewelry articles having repeating elements that are identically configured and do not twist (though they do jiggle rotationally); there is no set or permanent angular differentiation between or among the various elements, and the reference fails to suggest the more specific instantly claimed structure of each module having a male tab and a female receptacle angularly offset from each other to cause a twisting effect. The links of Pöll do have tabs and mating pins, but they are not angularly offset and do not cause the claimed longitudinal twist of the instant invention. This prior art patent does not disclose the structure and configuration of the present invention as claimed.

U.S. Patent No. 4,104,079 to Camarda teaches a bracelet type fastening device for releasably affixing the ends of a piece of jewelry to each other around or on part of the body (col. 2, line 65 - col. 3, line 4). Camarda's fastener includes a first fastening member 5 pivotally affixed to one end 3 of the bracelet and a second fastening member 10 pivotally affixed to the other end 4. 1. The first fastening member 5 has a catch pin 7 affixed to the support part 6. A slot 12 (FIGS. 2 to 6) is formed substantially radially in the hook member 11 of second fastening member 10 for accommodating the pin 7 of the first fastening member 5. The second fastening member 10 on the limb or wrist of the wearer is pivotable about a pivot pin 15 of the bracelet (FIGS. 3 and 4), to an insertion and removal position shown in FIG. 3, in which the plane 16 of the slot 12 of the second fastening member is substantially perpendicular to the central plane 8 of the first fastening member 5. In such position, the hook member 11 is movable into and out of the support part 6 of the first fastening member 5 with the pin 7 of said first fastening member being simultaneously moved into and out of the slot 12 of said hook member. The second fastening member 10 is further pivotable relative to the bracelet, about the pivot pin 15 of said bracelet, to a secure position, shown in FIGS. 4, 5 and 6, in which the bracelet is normally worn on the limb or wrist 2 of the wearer (col. 3, lines 10-50). All of the actual jewelry elements shown in Camarda are identically aligned and all face the same direction. As is evident from the figures, especially Figs. 1 and 2, Camarda shows jewelry articles having repeating elements that are identically configured and do not twist; only the fasteners at the ends of the bracelet can pivot, and that does not result in the claimed twist of the instant application. The reference fails

to suggest the more specific instantly claimed structure of each module having a male tab and a female receptacle angularly offset from each other to cause a twisting effect. This prior art patent does not disclose the structure and configuration of the present invention as claimed.

U.S. Patent No. 3,323,325 to Meyer teaches plastic beads which are stringlessly held together very tightly with friction-fit tabs and slots (col. 2, lines 46-70). Meyer shows jewelry articles having repeating elements that are identically configured and do not twist with respect to one another. The reference fails to suggest the more specific instantly claimed structure of each module having a male tab and a female receptacle angularly offset from each other to cause a twisting effect. This prior art patent does not disclose the structure and configuration of the present invention as claimed.

U.S. Patent No. 3,192,738 to Charles et al., like Meyer, teaches beads which are stringlessly held together very tightly with friction-fit plastic or nylon tabs and slots (col. 4, lines 18-30). Meyer shows jewelry articles having repeating elements that are identically configured and do not twist with respect to one another. Even if they did twist, the jewelry articles shown are radially symmetrical (since they are substantially spherical), and thus they cannot teach or even suggest the longitudinal twist of the instant invention. The reference fails to suggest the more specific instantly claimed structure of each module having a male tab and a female receptacle angularly offset from each other to cause a twisting effect. This prior art patent does not disclose the structure and configuration of the present invention as claimed.

Finally, U.S. Patent No. 1,894,195 teaches an ornamental bead chain having faceted beads which alternately face upwards and downwards (see Figs. 2 and 3). The novelty lies in the mounting method, which does not provide individual mountings for each bead (page 1, lines 53-58). The mounting means includes disc members 26 strung on string 24 abutting alternate flat facet portions of adjacent beads (page 1, lines 87-99). Pulver shows jewelry articles having repeating elements that do not twist with respect to one another and thus they cannot teach or even suggest the longitudinal twist of the instant invention. The reference fails to suggest the more specific instantly claimed structure of each module having a male tab and a female receptacle angularly offset from each other to cause a twisting effect. This prior art patent does not disclose the structure and configuration of the present invention as claimed.

DISCUSSION OF CLAIMS

None of the aforementioned prior art patents, discloses, teaches, or suggests the dispensing adapter for pressurized containers of the present invention, as set forth in the claims as amended previously (April 12, 2004). For example, Claim 1 recites

A jewelry bracelet or necklace comprising:
a loop, said loop being twisted longitudinally to provide a spiral appearance, said loop having a nominal top, bottom and outer sides; and
jewelry stones mounted at said outer sides,
wherein said jewelry stones twist around said loop along the longitudinal length of said jewelry bracelet or necklace.

The teachings of the claimed longitudinal twist of jewelry stones in a bracelet or necklace is found in the specification on page 5, line 12 *et seq.* That the loop (made of individual modules) has multiple potential ornamental surfaces (e.g., the claimed top, bottom, and outer sides) can be found in the specification at page 7, lines 15-26, for example. The more specific longitudinal rotation-forming structure as claimed in Claim 14 –i.e., that each module has a male tab and a female receptacle angularly offset from each other– is described in the specification at page 6, line 4 - page 7, line 14.

These features are not disclosed or suggested in the prior art.

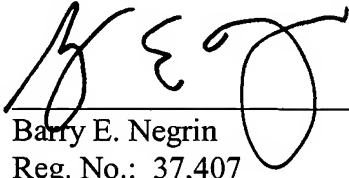
**U.S. Pat. Appl'n No. 10/823,106
Perfected Petition to Make Special
Under MPEP §708.02 and/or
Request for Reconsideration**

Favorable consideration on the merits is respectfully requested.

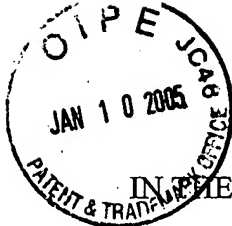
Dated: January 10, 2005

Levisohn, Berger & Langsam, LLP
805 Third Avenue, 19th Floor
New York, New York 10022
212-486-7272, x304
212-486-0323 (fax)

Respectfully submitted,



Barry E. Negrin
Reg. No.: 37,407
Attorney for Applicant



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	Valentini, Paola
Serial No.:	10/823,106
Title:	Twisted Closed Loop Jewelry Article
Filing Date:	April 12, 2004
Examiner:	unknown
Group:	3600
Atty Docket No.:	1663.009

COPY

PATENT
APPLICATION

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PERFECTED PETITION TO MAKE SPECIAL UNDER MPEP § 708.02
AND/OR REQUEST FOR RECONSIDERATION OF DECISION

Sir:

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The application presents claims directed to a single invention, a closed loop jewelry article having a longitudinal twist. No election is believed necessary. **However, if the Office determines that all the claims presented are not obviously directed to a single invention, then Applicant will make an election without traverse as a prerequisite to the grant of special status.**

SCOPE OF PRE-EXAMINATION SEARCH

A pre-examination search was in the USPTO by Donald E. Bullock (Reg. No. 30,734), the search agent for Applicant's undersigned patent attorney. The field of search included the following classes and sub-classes:

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INVENTION SEARCHED

The invention for which the search was performed is a jewelry bracelet or necklace having a loop, the loop being twisted longitudinally to provide a spiral appearance, the loop having a nominal top, bottom and outer sides. Jewelry stones are mounted at the outer sides of the loop, wherein the jewelry stones twist around the loop along the longitudinal length of the jewelry bracelet or necklace. The inventive closed loop jewelry article includes repetitive elements that are coupled together to provide a train of elements with each element being slightly

rotationally displaced from adjacent elements so that the elements twist longitudinally along the length of the article. More specifically, the invention searched is a twisted jewelry article, having a plurality of modules. Each module includes a main body having a longitudinal axis, a female receptacle disposed inside the main body and accessible via a rear portion of the main body, and a male tab projecting from a front portion of the main body. The male tab of one module is fittable within an adjacent of the female receptacle of an adjacent of the modules with an outer surface of the male tab being substantially contactable with an inner surface of the adjacent female receptacle. In at least a certain sub-plurality of the modules, the male tab outer surface is angularly offset to the female receptacle inner surface about the longitudinal axis to thereby angularly offset adjacent modules to thereby impart a longitudinal twist to the jewelry article.

PATENTS UNCOVERED FROM SEARCH

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DISCUSSION OF UNCOVERED PATENTS

U.S. Design Patent No. D481,968 to Cerato discloses the design for a jewelry chain having standard links, not a bracelet or necklace. This chain does not have a top, bottom, or sides; rather it consists of interlocking links that are identical and disposed either at substantially 90° (Figs. 1-3) or an acute angle (Figs. 4-6) from each other. There are no jewels mounted anywhere on this chain, nor is there the suggestion of same. This prior art patent does not disclose the structure and configuration of the present invention as claimed herein.

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Finally, U.S. Patent No. 1,894,195 teaches an ornamental bead chain having faceted beads which alternately face upwards and downwards (see Figs. 2 and 3). The novelty lies in the mounting method, which does not provide individual mountings for each bead (page 1, lines 53-58). The mounting means includes disc members 26 strung on string 24 abutting alternate flat facet portions of adjacent beads (page 1, lines 87-99). Pulver shows jewelry articles having repeating elements that do not twist with respect to one another and thus they cannot teach or even suggest the longitudinal twist of the instant invention. The reference fails to suggest the more specific instantly claimed structure of each module having a male tab and a female receptacle angularly offset from each other to cause a twisting effect. This prior art patent does not disclose the structure and configuration of the present invention as claimed.

DISCUSSION OF CLAIMS

None of the aforementioned prior art patents, discloses, teaches, or suggests the dispensing adapter for pressurized containers of the present invention, as set forth in the claims as amended previously (April 12, 2004). For example, Claim 1 recites

A jewelry bracelet or necklace comprising:
a loop, said loop being twisted longitudinally to provide a spiral appearance, said loop having a nominal top, bottom and outer sides; and
jewelry stones mounted at said outer sides,
wherein said jewelry stones twist around said loop along the longitudinal length of said jewelry bracelet or necklace.

The teachings of the claimed longitudinal twist of jewelry stones in a bracelet or necklace is found in the specification on page 5, line 12 *et seq.* That the loop (made of individual modules) has multiple potential ornamental surfaces (e.g., the claimed top, bottom, and outer sides) can be found in the specification at page 7, lines 15-26, for example. The more specific longitudinal rotation-forming structure as claimed in Claim 14 –i.e., that each module has a male tab and a female receptacle angularly offset from each other– is described in the specification at page 6, line 4 - page 7, line 14.

These features are not disclosed or suggested in the prior art.

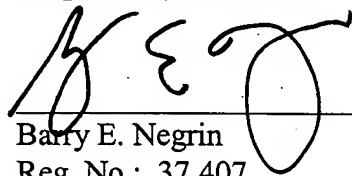
**U.S. Pat. Appl'n No. 10/823,106
Perfected Petition to Make Special
Under MPEP §708.02 and/or
Request for Reconsideration**

Favorable consideration on the merits is respectfully requested.

Dated: January 10, 2005

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Respectfully submitted,



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